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17 Attorneys for Defendant

18 **UNITED STATES DISTRICT COURT**
DISTRICT OF ARIZONA

19 Kamran Madani, and Abolfazl Vaghef,

20 **No. CV-04-1897-PHX-RCB**

21 Plaintiffs,

22 **DEFENDANT'S PROPOSED VOIR**
DIRE QUESTIONS

23 v.

24 BHVT Motors, Inc.,

25 Defendant.

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1 Defendant Bell Honda files these Proposed Voir Dire Questions and asks the Court
2 to ask them to the jury panel during the Court's voir dire of prospective jurors.

3 **A. Questions Concerning Personal Decision-Making.**

4 1. We'd like to know a little bit about how you make decisions in your
5 personal life. There are no right or wrong answers. By show of hands, how many would
6 say you tend to make decisions based on first impressions or pretty quickly after finding
7 out what the issue is? How many of you would say you tend to be slower and more
8 deliberative when making decisions?

9 2. During the trial, the Plaintiffs will present their evidence first, and
10 Defendant will present evidence afterwards. Will you agree to wait and consider all
11 evidence from both sides, and hear me instruct you on the applicable law, before making
12 decisions in this case?

13 **B. Personal Experiences**

14 1. The Defendant in this case is Bell Honda, a retail automobile dealership in
15 Phoenix, Arizona. Has anyone been a Bell Honda employee? If yes, do you have a
16 complaint about the way you were treated at Bell Honda? (Discuss any complaint
17 privately.) Has anyone been a Bell Honda customer or prospective customer? If yes, do
18 you have a complaint about the way you were treated at Bell Honda? (Discuss any
19 complaint privately.)

20 2. Has anyone worked for a car dealership? If yes, do you have a complaint
21 about the way you were treated at that employer? (Discuss any complaint privately.) Do
22 any of you have family members or close friends who worked for car dealerships? If yes,
23 to your knowledge, do they have a complaint about the way they were treated at that
24 employer? (Discuss any complaint privately.)

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1 3. Some of you may have purchased cars from car dealerships. If so, do you
2 have a complaint about the way you were treated at any car dealership? (Discuss any
3 complaint privately.)

4 4. Has anyone filed a lawsuit before? If yes, has anyone filed a race or
5 national origin discrimination lawsuit before? If so, please explain. Do any of you have
6 family members or close friends who filed a lawsuit before? Do any of you have family
7 members or close friends who filed a race or national origin discrimination lawsuit
8 before? If so, please explain.

9 5. Does anyone believe they were subjected to harassment at work because of
10 their race or national origin? If so, please explain. Do any of you have family members
11 or close friends who believe they were mistreated at work because of their race and
12 national origin? If so, please explain.

13 6. Does anyone believe that an employer automatically should be held
14 responsible for alleged harassment that it did not know about?

15 7. Have you ever worked for employers who had a policy, procedure, or
16 employee hotline to report harassment complaints? Have you ever used such a policy,
17 procedure, or hotline to report a harassment complaint? If yes, was the complaint
18 resolved after you reported the complaint?

19 8. Have any of you served on a jury of any kind before in any state or federal
20 court? If yes, please explain when, where, the type of case, and whether a verdict was
21 reached or not.

22 9. Have any of you ever been fired or laid off from a job? When? Where?
23 Why? Do any of you feel that you have been treated so unfairly by an employer that it
24 would affect your ability to be a fair and impartial juror in this case?

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1 10. Have any of you ever made a claim or filed suit against your current or
2 former employer? What was the nature and outcome of the dispute? Will that influence
3 in anyway your ability to be a fair and impartial juror in this case?

4 11. Do any of you have family members or friends who filed complaints against
5 his or her employer? What was the nature and outcome of the complaint? Would the fact
6 that your family member or friend filed a complaint against their employer influence you
7 in any way in reaching a fair and impartial verdict in this case?

8 **C. Other Knowledge, Corporate Status, Parties, Attorneys, Witnesses, And Other**
9 **Things.**

10 1. Does anyone have knowledge about this case from any source other than
11 what you've heard in court today?

12 2. Bell Honda is a corporation. Does anyone believe that just because Bell
13 Honda is a corporation, it should pay money to plaintiffs who file lawsuits against it?

14 3. The Plaintiffs in this case are Kamran Madani and Abolfazl Vaghef. Do you
15 or any family members or close friends know these men or work with them? If so, please
16 explain.

17 4. The Plaintiffs are represented by Stephen Montoya of the law firm Montoya
18 Jiminez P.A. The Defendant is represented by Brett Burns and Stephanie Osteen of the
19 law firm Akin Gump Strauss Hauer & Feld LLP. Do you know any of these attorneys or
20 these law firms? Have you or any of your close friends or relatives ever been represented
21 by these attorneys or law firms or had any prior interaction with them? If so, please
22 explain.

23 5. The following people may testify as witnesses in this case. I will read the
24 names of these witnesses and ask if you or your close friends or relatives know them.

25 A. William Arbuckle
26 B. Albert Baker

- 1 C. Gary Brooks
- 2 D. Dale Bruemmer
- 3 E. John Culver
- 4 F. Mark Dorey
- 5 G. Curtis Gipson
- 6 H. Phil Kerr
- 7 I. Kamran Madani
- 8 J. Greg Mortenson
- 9 K. Jim Potts
- 10 L. Justice Rovin
- 11 M. Abe Saba
- 12 N. Abolfazl Vaghef
- 13 O. Michael Westbrook
- 14 P. John Williamson

15 6. Is there anything else in your background that you think we should know
16 about but have not asked that could affect your ability to be a fair and impartial juror in
17 this case?

18 7. Do you know of any reason that you could not treat Bell Honda fairly in this
19 case?

20 **D. Ability to Apply Legal Standards**

21 1. Would the fact that this case involves a claim by two individuals against a
22 corporation influence to the point that could not be fair and impartial in deciding the
23 issues involved in this case?

24 2. If you are selected as a juror in this case, you will be required to put aside
25 any sympathy you may feel and decide this case solely on the evidence introduced during
26 the trial and the instructions that the trial court will give you concerning the law. Can you

1 do that?

2 3. Is there anyone who believes that just because a person files a lawsuit and
3 asks for a large sum of money, that the person is entitled to some money?

4 Respectfully submitted,

5 /s/ Stephanie K. Osteen

6 M. Brett Burns (admitted pro hac vice)

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1 I hereby certify that on this 11th day of May, 2006, I electronically transmitted the
2 foregoing to the Clerk's Office using the CM/ECF System for filing and transmittal of a
3 Notice of Electronic Filing to the following CM/ECF registrants:

4 Stephen G. Montoya
5 3200 North Central Avenue, Suite 2550
6 Phoenix, Arizona 85012
7 Attorney for Plaintiff

8 COPY mailed/delivered to:

9 Honorable Robert C. Broomfield
10 United States District Court
11 Sandra Day O'Connor U.S. Courthouse, Suite 626
12 401 West Washington Street, SPC 61
13 Phoenix, Arizona 85003-2158

14 By: /s/ Stephanie K. Osteen

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